

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
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Implementation of the Subscriber Carrier )  
Selection Changes Provisions of the )  
Telecommunications Act of 1996 )  
 )  
Policies and Rules Concerning )  
Unauthorized Changes of Consumers )  
Long Distance Carriers )

CC Docket No. 94-129

**COMMENTS TO PETITIONS FOR RECONSIDERATION**

BellSouth Corporation, on behalf of its wholly owned affiliated companies through undersigned counsel ("BellSouth"), and pursuant to Section 1.429(f) of the Commission's Rules, 47 C.F.R. § 1.429(f), files its Comments to Petitions for Reconsideration of the Commission's *Third Report and Order*<sup>1</sup> released in this proceeding.

**DISCUSSION**

In the *Third Report and Order*, the Commission imposed new reporting requirements on all carriers regarding slamming. Additionally, the *Order* imposed specific reporting requirements on wireline and fixed wireless local exchange carriers ("LEC"). These new reporting rules require LECs to report the number of complaints they receive from customers alleging that they have been slammed by other carriers as well as the identities of the carriers

<sup>1</sup> *In the Matter of Implementation of the Subscriber Carrier Selection Changes Proviisons of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, CC Docket No. 94-129, *Third Report and Order and Second Order on Reconsideration*, FCC 00-255 (rel. Aug. 15, 2000) ("*Third Report and Order*" or "*Order*").

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against whom such allegations have been leveled.<sup>2</sup> At least two carriers – Sprint and WorldCom – filed petitions for reconsideration asking that the Commission eliminate these rules. Despite the completely unfounded allegations that WorldCom makes about possible LEC improprieties as a basis for eliminating the rules, BellSouth supports these petitions for the reasons set forth below.

First, BellSouth does not believe the information to be reported will be particularly helpful to the Commission in fulfilling its objective, which is the elimination of slamming. The mere allegation of slamming by a customer does not mean that a slam actually occurred. The Commission should not be in the habit of disclosing information to the public that is based on untested allegations. The Commission should limit such disclosure to incidents where an investigation reveals there is a basis for the allegations.<sup>3</sup>

Second, BellSouth believes that the reporting will add yet more burdensome reporting requirements on LECs. These burdens will be far greater than the mere gathering and reporting of the information. Although WorldCom's pejorative statements about the LECs are simply nonsense,<sup>4</sup> such statements are a clear indication that the LECs burdens will be significantly increased. Indeed, WorldCom's petition appears to be placing the Commission on notice that it will not trust any report submitted by a LEC. Thus, any time a LEC submits a report that includes reports of alleged slamming incidents conducted by WorldCom, WorldCom will no

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<sup>2</sup> 47 C.F.R. 64.1180(b)(4) and (5).

<sup>3</sup> Even if the Commission continues to require the reporting of this information, it should not make it available to the public. Reporting on a non-public basis will allow the Commission to use the information to spot trends, one of the reasons the Commission listed as requiring the information, but would not subject carriers to defending their image against unsupported allegations.

<sup>4</sup> It is indeed ironic for WorldCom to make false and exaggerated allegations about possible LEC behavior to support its claim that LECs may report false and exaggerated information about WorldCom and possibly other carriers.

doubt, as a matter of course, challenge the report's accuracy and the LEC's information gathering and reporting methods. Other carriers would likely follow WorldCom's lead. Thus, no matter what measures the LECs put in place to ensure the reports accuracy, the LECs will be placed in the position of having to defend, at great expense, the most picayune detail of every report. This is a needless waste of resources, not only for the LECs but also for the Commission, which will be the arbiter of such claims.<sup>5</sup>

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<sup>5</sup> While WorldCom's statements about possible LEC bad behavior are completely unfounded, BellSouth agrees that as a matter of policy the Commission should not require one competitor to report on the actions of another competitor. As discussed above and demonstrated by WorldCom's comments, the non-reporting carrier will never trust the information reported by the reporting carrier. Thus, extensive resources will be expended bickering over the data. Other policies and rules exist to achieve the goals and objectives of the Commission without placing one competitor as a watchdog over another.

## **CONCLUSION**

Accordingly, the Commission should grant Sprint's and WorldCom's petitions and eliminate the reporting of slamming allegations. Such reporting is burdensome for the LECs and will not further the Commission's goals of curbing slamming. The Commission should instead disclose only those incidents where evidence supports that slamming is likely to have occurred.

Respectfully submitted,

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Date: April 30, 2001

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 30th day of April 2001 served the following parties to this action with a copy of the foregoing **COMMENTS TO PETITIONS FOR RECONSIDERATION** by electronic filing and/or by depositing the aforementioned pleading in the United States Mail, postage prepaid, addressed to the parties listed on the attached service list.

/s/ Lynn Barclay  
Lynn Barclay

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